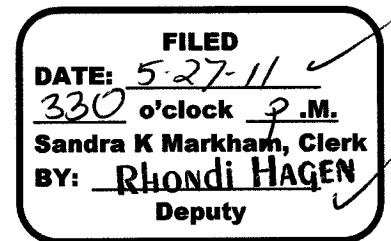


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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI



DIVISION PRO TEM B

SANDRA K MARKHAM, CLERK

HON. WARREN R. DARROW

BY: R. Hagen, Deputy Clerk

CASE NO. V1300CR201080049

DATE: May 27, 2011

TITLE:
STATE OF ARIZONA,

COUNSEL:
Yavapai County Attorney
By Sheila Polk
Bill Hughes
(Via OnBase)
(For Plaintiff)

(Plaintiff)

v.

JAMES ARTHUR RAY,
(Defendant)

Thomas K. Kelly
(Via Electronic Mail)
(For Defendant)
and
Luis Li/Brad Brian/Truc Do/Miriam Seifter
MUNGER TOLLES & OLSON LLP
(Via Electronic Mail)
(For Defendant *Pro Hac Vice*)

HEARING ON:
JURY TRIAL – DAY 44
START TIME: 8:58 a.m.

NATURE OF PROCEEDINGS

COURT REPORTER
Mina Hunt

APPEARANCES:

Sheila Polk, Counsel for State
Bill Hughes, Co-Counsel for State
Detective Ross Diskin, Case Agent
James Arthur Ray, Defendant
Tom Kelly, Counsel for Defendant
Luis Li, *Pro Hac Vice* Counsel for Defendant
Truc Do, *Pro Hac Vice* Counsel for Defendant
Miriam Seifter, *Pro Hac Vice* Counsel for Defendant
Robert Lauanders, Court Appointed Counsel for Mark Rock

The Jury is not present.

The State's redacted Exhibits 1018, 1019 and 1020 are discussed. The Court directs the Defendant to submit forms of redacted exhibits for the Court to consider.

The Court and Counsel discuss scheduling issues. Counsel present argument regarding the State's intent to recall Fawn Foster to testify. The Court **orders** that recall of Fawn Foster will not be permitted as her testimony would be cumulative.

~~~Recess~~~

At 9:44 a.m. the trial reconvenes with all previously appearing parties and the Jury present.

Mark Rock, previously sworn, takes the witness stand and resumes testifying.

Exhibits 1064, 1067, 1059 and 1060 are offered. There being an objection by Defendant as to Exhibits 1059 and 1060, IT IS ORDERED overruling the objection and Exhibits 1064, 1067, 1059 and 1060 are admitted into evidence.

Defendant objects to unidentified exhibits. Following the Court's review of said exhibits, IT IS ORDERED admitting Exhibits 1061, 1062, 1063, 1065, 1066 and 1048 into evidence over the objection of Defendant.

The Jury and the witness are reminded of the respective admonitions and excused for a recess.

~~~Recess~~~

At 11:09 a.m. the trial reconvenes with all previously appearing parties and the Jury present.

Mark Rock resumes the witness stand and testifies further.

The Court and counsel conduct sidebar discussions out of the presence of the Jury on the record.

The Jury and the witness are reminded of the respective admonitions, excused for the noon recess and leave the courtroom.

The Court and Counsel address State's next line of questioning of the current witness. Defense Counsel moves the Court to appoint a Public Defender to counsel the witness.

~~~Noon Recess~~~

At 2:03 p.m. the trial reconvenes with all previously appearing parties present. The Jury is not present.

Mark Rock resumes the witness stand. The witness is advised that the Court has a concern of a possible legal affect for this witness, and therefore,

**IT IS ORDERED** appointing the Yavapai County Public Defender's Office, specifically, Robert Launders, to represent Mark Rock. ✓

Mr. Rock leaves the courtroom.

Robert Launders remains in the courtroom. Court advises that both trial Counsel agreed that counsel needed to be appointed to represent the witness. The Court further advises that pursuant to agreement of Counsel, the Bailiff has excused the Jury for the day.

Mr. Launders briefly addresses the Court.

~~~Recess~~~

At 3:15 p.m. the trial reconvenes with all previously appearing parties present. The Jury is not present.

Robert Launders is present with his client, Mark Rock.

Mr. Launders addresses the Court regarding the witness Mark Rock and his anticipated testimony. Mr. Launders moves the Court for additional time to confer with his client and to review transcripts. The Court directs Mr. Launders to confer with his client Tuesday morning so that a telephonic status conference can be conducted later that afternoon.

The Court requests that Counsel make themselves available in the early afternoon on Tuesday for a status conference. The witness may also appear telephonically.

Mark Rock and his counsel leave the courtroom.

Pursuant to stipulation of counsel, State moves to substitute exhibits 566, 567, 568, 569, 570, 571, 572, 573, 574, 578, 496, 497, 503, 526, 530, 531, 532, 545, 546, 547, 548, 549, 550, 938, 939, 940, 941, 943, 942, 944 and 949. **IT IS ORDERED** substituting the listed exhibits.

Counsel for the State addresses the Court and corrects the record regarding a statement made during the morning concerning Fawn Foster.

The Court and Counsel discuss Rule 20 Motion scheduling and process. Counsel for Defendant states that their Rule 20 Motion will be filed next Friday. The Court directs that the State file its response to the Motion on the following Monday by 2:00 p.m. Oral argument on the Motion will occur the following Tuesday.

The Court stands adjourned for the day.

END TIME: 3:30 p.m.

cc: Gallagher & Kennedy, P.C., Counsel for Shore Family (e)
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for Brown Family (e)
Stone & Magnanini, Co-Counsel Brown Family (e)
Aspey, Watkins & Diesel, PLLC, Counsel for Neuman Family (e)
Steptoe & Johnson, Counsel for KPNX Broadcasting Company, TruTV and In Session (e)
Perkins, Coie, Brown & Bain, Counsel KTVK-TV (e)
Division PTB (e)
Yavapai County Public Defender (e)
Victim Services (e)
Court Administration
Customer Service Supervisor, Camp Verde Superior Court Bldg.